

REMARKS

Reconsideration of this application and entry of the amendment is requested as this application is condition for allowance or in better form for an appeal to the Board of Appeals.

Responsive to the restriction between Group I, Claims 1-9 and 9-28 and Group II, Claims 10-18 and 29-37, applicant elects Group I. Applicant does not traverse the restriction between Groups I and II.

Group II, Claims 10-18 and 29-37 have been cancelled without prejudice.

Claims 1, 4 and 6-8 have amended. Claim 1 is the parent claim. The headrest of Claim 3, upright pins of Claim 6, and holes in the platform in Claim 5 have been included in Claim 1. The coupling member supports a first stop member that functions to limit rearward movement of the wheelchair on the platform as further defined in Claims 7 and 8. The wheelchair is moved on the platform until it engages the stop member shown as a stop bolt 62 in Figures 1, 3, 5, 6, 8, 21, 22 and 23. The stop member prevents the wheelchair from backward movement when the wheelchair is on the platform. The platform has a plurality of holes that accommodate the anchor pins. The platform on the pins cannot move laterally or downwardly. The first actuator operates to move the platform downward into engagement with the pins and retain the platform on the pins. A second stop member prevents forward movement of the wheelchair when the platform is in the fourth location. The platform, coupling member, first and second stop members and first actuator cooperates to retain the wheelchair in a fixed location, such as the driver's position in a motor vehicle. The platform and wheelchair on the platform when in the fourth position is prevented from movement in all directions. The headrest is mounted on the lift assembly located behind the platform. The headrest moves laterally with the platform and wheelchair. The headrest is behind the wheelchair when the platform is in the fourth position.

Reconsideration of the lift of *Williams et al* is requested. The examine noted that

Williams et al fails to teach (1) a headrest, (2) a horizontal member, connecting means and an upright plate for the headrest, (3) a platform having a plurality of holes, (4) upright pins to accommodate the holes in the platform to anchor the platform, (5) a horizontal slot in the coupling member and (6) a stop bolt on the coupling member to limit backward movement of the wheelchair on the platform. In view of these lack of teachings *Williams et al* does not anticipate Claims 1, 2, 4 and 6-9.

Reconsideration of the rejection of the claims as unpatentable under 35 USC 103 as obvious to a person skilled in the art in view of the prior art is requested.

An assessment of obviousness requires a showing that a person of ordinary skill in the art at the time of the invention with no knowledge of the claimed invention, would have had motivation to combine the teachings of one reference with those of another. *In re Leonard R. Kahn*, 441 F.3d 979, 988 (Fed. Cir. 2006).

The lift disclosed by *Williams et al* has a movable member 14 and a stationary member 16. As shown in Figure 4, the frame portions 36 of member 16 have inner sides supporting rollers 40. Movable member 14 has frame members 32 with slots or channels 42 for rollers 40. *Col. 3, lines 40-50*. Stationary member 16 is fixed to the floor. It does not move up or down. The movable member 14 does not move up or down on stationary member 16. The platform 12 is not moved down on anchor pins and retained on the anchor pins by the actuator as defined in Claim 1. The bars 38 are not anchors for platform 12.

Williams et al's lift has power lift mechanism 24 located adjacent the left side of platform 12. Applicant's claimed platform is in front of the lift assembly and includes a headrest on the first member of the lift assembly located above and rearwardly of the platform. *Williams et al* does not disclose or suggest a headrest. Mounting a headrest on lift mechanism 24 would be non-functional as the headrest must be behind the head of a person in the wheelchair located on

the platform.

Willey et al does not disclose a headrest mounted on a lift assembly of an apparatus for lifting a wheelchair and moving the wheelchair laterally and downwardly with the headrest behind the wheelchair. Platform 12 of *Williams et al* has a front ramp 20 and 22 to facilitate driving or rolling a personal mobility vehicle onto the platform. A person skilled in the art would not destroy or eliminate these ramps to mount a headrest on platform 12. There is no motivation for a person skilled in the art to rearrange the lift apparatus of *Williams et al* to add a headrest to a lift assembly as defined in Claim 1.

The coupling member has a first stop member to prevent rearward movement of the wheelchair on the platform and a second stop member to prevent forward movement of the wheelchair. *Williams et al* discloses straps for holding the wheelchair on the platform. Stop members are not suggested by *Williams et al* to prevent forward and rearward movement of the wheelchair on the platform.

Varrichio discloses a lift-assist device for a wheelchair having tracks for the large wheelchair wheels. A latch 36 connected to a solenoid 57 engages a member 24 of the wheelchair to limit forward movement of the wheelchair when the tracks are inclined. The latch 36 is not associated with the tracks. This latch is not the claimed stop members for preventing forward and rearward movements of the wheelchair on the platform. The solenoid actuated latch 36 of *Varrichio* is a limited teaching of a releasable latch that does not suggest applicant's claimed first and second stop members that prevent forward and rearward movement of the wheelchair.

Claim 1 includes anchors comprising upright fixed pins. The platform has holes accommodating the pins to retain the platform in the fourth position. The platform is moved down onto the pins. *Williams et al* does not disclose an anchor associated with the platform 12 to

retain the platform in any position. Anchor pins are not suggested by *Williams et al.*

Meyer '111 discloses a flat chair base 34 having downwardly directed pins 82 and a lock bolt 84 for holding base 34 on rails 72 and 74. Rails 72 and 74 have holes 80 for pins 82. *Col. 5, lines 29-43.* There is no suggestion that base 34 has holes for upright pins on rails 72 and 74 in *Meyer*.

The amendment is timely and responds to the restriction between Group I and Group II claims. Group II claims have been cancelled. The amended claims do not include new matter or require additional searching.

In view of the above remarks, applicant requests that this amendment be entered and Claims 1, 2, 4 and 6-9 be allowed.

Respectfully submitted,

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